

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed September 29, 2004. Reconsideration and allowance of the application and presently pending claims 1-66, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-66 remain pending in the present application. More specifically, claims 1-3, 5, 11, 13, 15, 21-22, 24, 30, 32, 38-30, 52 and 59 are directly amended, and claims 65-66 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response To Objections of The Drawings

The Office Action states the “drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: an uplink interface data module 130, cross-connect data module 132, backplane interface data module 134, VCL data module 136, a line card data module 138, an auto-configuration data module 140, and a DSL port data module 142, as recited from p. 15, ln. 29 through p. 18, ln. 20.” The Office Action further states the “drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters ‘26’ and ‘28’ have both been used to designate central office. 26 should be 28 in Fig. 2.”

Applicants have amended the drawings to change the reference numeral 26 to 28 in Fig. 2. Fig. 7 is amended to include the uplink interface data module 130, cross-connect data module 132, backplane interface data module 134, VCL data module 136, a line card data module 138, an auto-configuration data module 140, and a DSL port data module 142. Accordingly, Applicants respectfully request withdrawal of the objection.

Additionally, Fig. 1 is revised to indicate that the network hub is amended with reference numeral 41 (see also the objection to the specification below), and the PSTN 30 and provider network 32 are labeled. In Fig. 5, the reference numeral 71 is added to generally indicate the header (see also corresponding amendments to the Specification). In Figs. 9-13 and 15, the word

“VARIABLE” is amended to “STRUCTURE” to be consistent with the terminology of the Specification. Also, the reference numerals of the individual items in FIG. 10 are amended to be consistent with the reference numerals used in the Specification. Finally, Fig. 17 is amended for cosmetic purposes.

Applicants thank the Examiner for his efforts in identifying various problems in the Figures so that the pending application may be amended to be in better form for issuance. Applicants respectfully request entry of the amendments to the drawings.

3. Response To Objections of The Specification

a. Objection to the Abstract

The Office Action states “[t]he abstract of the disclosure is objected to because it is not specific to the invention. The abstract describes SCM only. Correction is required. See MPEP §608.01(b).”

Applicants submit herewith a substitute Abstract. Applicants respectfully request entry of the amendments to the Abstract and withdrawal of the objection.

b. Objections to the Disclosure

The Office Action states the “disclosure is objected to because of the following informalities: serial number left blank. Examiner noted that provisional application entitled ‘Systems and Methods for Automatically Configuring Cross-Connections in a DSLAM,’ filed on December 1, 2000, has Serial No. 60/250,494.” The Office Action further states the “disclosure is objected to because of the following informalities: misnumbering, mislabeling, missing numbers. On p. 8, ln. 3, both network hub and workstation are numbered 42. On p. 11, ln. 2, network should be numbered 32. On p. 11, ln. 8, line cards should be numbered 62. On p. 11, ln. 13, and ln. 19, subscriber 22, 24 should be distinctly labeled ‘residential subscriber 22’ and ‘commercial subscriber 24.’ On p. 13, ln. 30 – p. 14, ln. 1, line card should be numbered 62. On p. 14, ln. 1, channels should be numbered 54.”

Applicants have amended the Specification to accord the serial number of the provisional applicant, and have amended the Specification to correct the above-described informalities.

Additionally, the Specification is amended to correct other typographical errors and omissions. Applicants thank the Examiner for his efforts in identifying various problems in the Figures so that the pending application may be amended to be in better form for issuance. Applicants respectfully request entry of the amendments to the Specification and withdrawal of the objection.

4. Response To Objections of Claims 1, 2, 11 an 22

The Office Action states “Claims 1, 2, 11, 22 are objected to because of the following informalities: inconsistency. Cl. 1, ln. 3-4 and ln. 6-7, recites – digital subscriber line communications channels – whereas cl. 2, ln 2, recites – digital subscriber communications channels-. Cl. 2 should also read ‘digital subscriber line communications channel.’ Cl. 11, ln. 2, recites – digital subscriber line channels – and should read ‘digital subscriber line *communications* channels,’ and ln. 4 recites – digital subscriber communications channels – and should read ‘digital subscriber *line* communications channels.’ [Emphasis added.]”

Applicants have amended claims 2, 3, 5, 11, 13, 15, 21, 22, 24, 30 and 32 to read as “digital subscriber line communications channels” for consistency throughout the claims. Additionally, claim 59 is amended in a similar manner. Applicants respectfully request entry of the amendments to the claims and withdrawal of the objection.

Applicants observe that the amendments to claims 2, 3, 5, 11, 13, 15, 21, 22, 24, 30 and 32 are not made in response to a rejection made by the Examiner based upon cited art of record. Therefore, the amendments to claims 2, 3, 5, 11, 13, 15, 21, 22, 24, 30 and 32 do not narrow the scope of these claims as originally filed. Accordingly, no prosecution history estoppel arises from the amendment to these claims.

5. Response To Objection of Claim 30

The Office Action states “Cl. 30, ln. 6, there is a missing semicolon after limitation ‘a. a first portion...’ Appropriate correction is required.”

Applicants have amended claim 30 as suggested by the Examiner. Applicants respectfully request entry of the amendments to claim 30 and withdrawal of the objection.

Applicants observe that the amendments to claim 30 is not made in response to a rejection made by the Examiner based upon cited art of record. Therefore, the amendments to claim 30 does not narrow the scope of the claim as originally filed. Accordingly, no prosecution history estoppel arises from the amendment to this claim.

6. Response to Rejection of Claims 1, 2, 21 and 52 Under 35 U.S.C. §102(b)

In the Office Action, claims 1, 2, 21 and 52 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Fosmark et al.* (U.S. Patent 6,084,881), hereinafter *Fosmark*.

a. Claims 1 and 2

Claim 1 is amended to depend upon claim 3. Claim 2 remains dependent upon claim 1.

Because independent claim 3, as amended, is believed to be allowable over the cited art of record, dependent claims 1 and 2 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 1 and 2 contain all features/elements/steps of independent claim 3. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

b. Claim 21

Claim 21 is amended to depend upon claim 22. Because independent claim 22 is allowable over the cited art of record, dependent claim 21 (which depends from independent claim 22) is allowable as a matter of law for at least the reason that the dependent claim 21 contains all features/elements/steps of independent claim 22. Accordingly, the rejection to this claim should be withdrawn.

c. Claim 52

Claim 52 is amended to depend upon claim 53. Because independent claim 53 is allowable over the cited art of record, dependent claim 52 (which depends from independent claim 53) is allowable as a matter of law for at least the reason that the dependent claim 52 contains all features/elements/steps of independent claim 53. Accordingly, the rejection to this claim should be withdrawn.

7. Response to Rejection of Claim 38 Under 35 U.S.C. §102(e)

In the Office Action, claim 38 stands rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Adas et al.* (U.S. Patent 6,661,795), hereinafter *Adas*.

Claim 38 is amended to depend upon claim 39. Because independent claim 39, as amended, is believed to be allowable over the cited art of record, dependent claim 38 (which depends from independent claim 39) is allowable as a matter of law for at least the reason that the dependent claim 38 contains all features/elements/steps of independent claim 39. Accordingly, the rejection to this claim should be withdrawn.

8. Indication of Allowable Subject Matter

Applicants appreciate the Examiner's allowance of claims 11-20, 22-37, 45-51 and 53-64, as indicated in paragraph 12 of the Office Action. Applicants also acknowledge that the Examiner's conclusion that claims 3-10, 39-44 contain allowable subject matter. Accordingly, claims 3 and 39 are amended to be in independent claim format. However, Applicants note that the subject matter of their respective intervening claims have not been incorporated since Applicants believe that claims 3 and 39 are allowable as amended.

9. Newly Added Claims 65 and 66

New claims 65 and 66 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new matter has been added in the new claims 65 and 66, and that new claims 65 and 66 are allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-66 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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